

REMARKS

I. Double Patenting

All pending claims are rejected based on so-called "obviousness-type" double patenting with regard to U.S. 6,383.765. A terminal disclaimer accompanies this Reply overcomes the rejection.

II. 35 U.S.C. §112 ¶1 enablement

This rejection applies to claims 14, 17 and 18, based on the absence of steps of providing the sample and incubating the sample in a reaction mixture, and the specific reaction of an antibody with an epitope ("the interaction of molecular forces"). The claims have been amended to overcome this rejection.

III. 35 U.S.C. §112 ¶1 written description

This rejection is also based on the failure to disclose an immunoassay (or a working example of an immunoassay) that detects FIV antibody without performing the steps of providing and incubating a sample. The claims have been amended to overcome this rejection.

IV. 35 U.S.C. §112 ¶2

All pending claims are rejected under this statutory section on several independent bases. The basis for each rejection is repeated below and discussed separately.

- *A fair reading [of claim 14] provides that the FIV envelope polypeptide can be any FIV envelope polypeptide that specifically interacts with an anti-gp130 antibody. It is unclear how the monoclonal antibody can be "specific" for anti-gp-130, yet react with any FIV envelope polypeptide.*

The claim has been clarified to specify that the polypeptide must be immunologically cross-reactive with gp130.

- *Claim 14 omits the steps of providing a sample, and incubating elements*

This rejection has been overcome by the amendment. Note that the rejection of claim 19 on this basis is not understood, inasmuch as claim 19 features an assay device not a method of assaying.

- *Claim 17 [fails] to provide antecedent basis for "the reagent"*

This amendment overcomes the rejection.

Applicant : Philip R. Andersen, et al.
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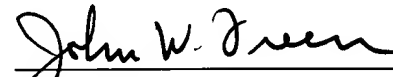
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Enclosed is a \$120.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

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